

to permit John Doe 1, John Doe 2, and John Doe 3 to proceed under pseudonyms should be granted.

4. While Harvard reserves the right to object to the use of pseudonyms at some point in the future, *see id.* at 3-4, the Court need not reach the issue at this time, because as stated Harvard does not presently object to the student plaintiffs' use of pseudonyms.

5. In any event, Harvard's bald assertions that pseudonyms will become inappropriate at some future stage of this case are meritless. In resolving a motion for pseudonymity, courts "balance the need for confidentiality against the public interest in disclosure." *Bell Atl. Bus. Sys. Servs., Inc.*, 162 F.R.D. 418, 420 (D. Mass. 1995). Here, Plaintiffs amply demonstrated in their memorandum of law and supporting declarations that the pseudonymous plaintiffs have a strong and credible fear of retaliation and harassment, while the public interest in knowing their identities is minimal. *See* Dkt. No. 7, at 5-6, 13-16. Harvard's claim that the students' fear of retaliation is "wild speculation," *see* Response, Dkt. No. 13, at 2, is both unsubstantiated and wrong. Harvard's conduct and statements throughout development of the Sanctions Policy, and recently since its adoption, would instill in any reasonable student a well-founded fear of retaliation for bringing suit. *See, e.g.*, Dkt. No. 7, at 2-6. Plaintiffs will respond fully if and when Harvard actually objects to the use of the pseudonyms and seeks to uncover its students' identities.

6. Because Harvard has committed not to seek to uncover the identities of John Doe 1, John Doe 2, and John Doe 3, Plaintiffs agree that the Court need not decide on the question of a protective order at this time. Plaintiffs will renew the request for a protective order to safeguard the student plaintiffs' pseudonymity at an appropriate time as the case proceeds.

CONCLUSION

For the foregoing reasons, Plaintiffs' Motion for Leave of Court to Permit Student Plaintiffs to Proceed Under Pseudonyms should be granted.

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Respectfully submitted,

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I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the date of electronic filing.

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